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January 7, 2014

Luther Hert, Chair
Monterey County Planning Commission
168 West Alisal St., 2nd Floor
Salinas, CA 93901

SUBJECT: HARPER CANYON / ENCINA HILLS PROJECT

Dear Chair and Commissioners:

LandWatch Monterey County commented on the DEIR and the RDEIR and has reviewed the FEIR. Based on our review of the environmental documents and responses to comments, we oppose the Harper Canyon project which would subdivide 344 acres into 17 lots in the Toro area. LandWatch opposes this project because a sustainable water supply does not exist, the project would have significant cumulative impacts on biological resources and wildlife corridors, and the cumulative traffic impacts from this and myriad other projects in the area would create severe congestion on the already over-burdened roadways. The perceived benefits of this project do not outweigh the incredible costs to the county's resources and infrastructure. Our comments on the FEIR and consistency with the 1982 General Plan follow:

Long-Term Sustainable Water Supply

The FEIR concludes, "According to the Geosyntec study, the primary aquifer system of the study area is in overdraft; however, current and increasing rates of pumping could be sustained for decades in areas with large saturated thicknesses of the El Toro Primary Aquifer System because of the large volume of groundwater in storage." (Master Response).

This does not constitute a long-term sustainable water supply. The Geosyntec Summary states, "Water level data compiled and reviewed for this study indicates that the primary aquifer system in the El Toro Planning Area is in overdraft. However, current and increasing rates of pumping can be sustained for decades in areas with large saturated thickness of the El Toro Primary Aquifer System because of the large volume of groundwater in storage. The most evident problem will be lowering of the water table below the screened intervals of existing wells completed in shallower portions of the aquifer system, which has already occurred in portions of the Corral de Tierra. If long term declines in groundwater levels and reliance on groundwater storage are acceptable to the County, the B-8 zoning could be lifted in areas with large saturated

thicknesses of the El Toro Primary Aquifer System where additional groundwater... These calculations assume uniform decline in groundwater level in the entire El Toro Primary Aquifer System; however, actual declines are expected to be greater near pumping wells and less away from pumping wells.”

Cumulative Impacts on Water Supply

The FEIR finds the wells for the source water are in the Corral de Tierra sub-basin which is a sub-basin of the Salinas Valley Groundwater Basin (SVGB). The FEIR states (p. 3-42) “... the proposed project is located within Monterey County Water Resources Agency’s Zone 2C, which benefits from additional water resources from the Nacimiento and San Antonio Reservoirs via the Salinas River and the Salinas Valley Water Project (SVWP). The project applicant contributes financially to the SVWP and its groundwater management strategies through an assessment on the property. The project’s impact on the groundwater basin is therefore mitigated by this contribution, as the SVWP provides a regional mitigation strategy for the groundwater basin and its sub-basins.”

The FEIR does not state whether and how the Harper Canyon and Ferrini Ranch projects were included in the area modeled in the Salinas Valley Integrated Groundwater Surface Modeling (SVIGSM) in planning for the SVWP. It is not clear that projected future demand from the projects was actually included in the projected 2030 demand in the SVWP EIR in light of evidence indicating that the Project site was not included in the modeling for the SVWP.

The FEIR contends that the project has an adequate water supply (Master Response); however, the FEIR does not disclose existing litigation challenging reliance on the SVWP as basis to conclude that there is an adequate water supply for new uses in the SVGB. Suits filed by LandWatch Monterey County and The Open Monterey Project challenge the EIR for the 2010 Monterey County General Plan, also known as the GPU5 EIR. (Monterey County Superior Court Case No. M109434 and M109441, both filed November 24, 2010). LandWatch’s petition for a writ of mandate to set aside the 2010 General Plan EIR challenged the uncritical reliance on the SVWP EIR despite unanticipated changes to existing and projected land use and water demand.

Water Quality

Pump tests reveal arsenic levels that exceed standards; however, the FEIR fails to address how sludge related to water purification will be handled and methods of disposal.

Environmentally Superior Alternative

The DEIR identifies an environmentally superior alternative that would reduce most impacts to less than significant. The FEIR did not recommend adoption of this alternative because it did not meet project objectives. FEIR comments follow:

CEQA Guidelines Section 15126.6(e)(2) requires that the environmentally superior alternative be identified. If the environmentally superior alternative is the “No Project” Alternative, the EIR shall also identify an environmentally superior alternative among

other alternatives. As stated on page 4-11 of the DEIR , Alternative 3, “Modified Subdivision Design ‘B’” represents the “environmentally superior” alternative because several potential impacts would be reduced relative to the proposed project. The DEIR goes on to state that “this alternative does not meet all of the proposed project objectives” and “would be less consistent with the proposed project objectives than the proposed project” but there is no discussion regarding rejection of this alternative. Therefore, the alternatives analysis satisfies its intended purpose to identify environmentally superior options. It is also important to note that, with the exception of significant and unavoidable traffic impacts along State Route 68, all identified impacts of the project (including geologic impacts) can be mitigated to a less than significant level with the application of mitigation measures.

The FEIR fails to fully identify all CEQA requirements related to an environmentally superior alternative as follows:

CEQA Guidelines Section 15126.6 (b) Purpose. Because an EIR must identify ways to mitigate or avoid the significant effects that a project may have on the environment (Public Resources Code Section 21002.1), the discussion of alternatives shall focus on alternatives to the project or its location which are capable of avoiding or substantially lessening any significant effects of the project, **even if these alternatives would impede to some degree the attainment of the project objectives, or would be more costly.** (Emphasis added)

As identified in the above reference, it is insufficient to reject an environmentally superior alternative because it does not meet all project objectives. The FEIR fails to fully address these CEQA requirements.

Wildlife Corridors

The cumulative impact analysis fails to adequately address the project’s cumulative impact on wildlife corridors. Comments submitted by the Big Sur Land Trust on the Ferrini Ranch Project (November 16, 2012) states the DEIR for the project failed to adequately address the impacts of the project on an important wildlife corridor allowing wildlife to move between the upland habitats of the coast ranges (Santa Lucia and Sierra de Salinas mountains south of Highway 68) and the lowland and coastal habitats of Fort Ord (north of Highway 68) and the lowland and shores of the Monterey Bay National Marine Sanctuary. The letter finds the project would have a significant impact on wildlife corridors, and the proposed mitigation measures do not reduce impacts to less than significant levels. It further finds, “The negative effects may be even greater from cumulative impacts associated with the adjacent proposed Harper Canyon (Encina Hills) development. These cumulative impacts should also be specifically discussed and evaluated in the DEIR.”

Biological Cumulative Impacts

The cumulative analysis includes impacts related to Ferrini Ranch. The FEIR for Harper Canyon concludes the project would not have a significant cumulative impact on biological resources.

LandWatch concluded that the biological assessment for the Ferrini Ranch DEIR was incomplete since the assessment appeared to exclude consideration of fuel modifications needed to comply with state and local regulations. Without an adequate assessment of the impact Ferrini Ranch would have on biological resources combined with those from the proposed project, a cumulative impact analysis for Harper Canyon is incomplete.

1982 Monterey County General Plan Land Use Policies

The project is inconsistent with the following Monterey County General Plan Policies:

1. Policy 26.1.2 The County shall discourage premature and scattered development. (There are over 10,000 residential units that have been approved on a countywide basis but have not been constructed: East Garrison 1,470; Morisoli-Amaral 319; Rancho San Juan 1,147; September Ranch 95; Del Monte Forest 100; Marina/Fort Ord 3,847; King City 1,425; Soledad 1,323; Greenfield/Gonzales 757; Sand City/Monterey/Seaside 339. This project is both representative of scattered development and premature.)
2. Policy 27.1.3 Residential development should be concentrated in growth areas.
3. Policy 27.2.1 Residential areas shall be located with convenient access to employment, shopping, recreation and transportation. High density residential areas should also be located with convenient access to public transit.

We urge the Commission to deny the proposed project.

Sincerely,

A handwritten signature in black ink, appearing to read 'Amy L. White', enclosed in a thin black rectangular border.

Amy L. White
Executive Director